

PROCEEDINGS OF THE STATE POLICE CHIEF, KERALA,
THIRUVANANTHAPURAM

Present: Jacob Punnoose IPS

Sub:- Revised combined Seniority List in the category of Havildars in the AP Bns with effect from 18.01.1984 to 01.01.1998 - Finalized - Orders issued.

Read:-(1) GO(P) 6/1984/Home Dated 18.01.1984.

(2) GO (Rt) No. 188/2012/Home Dated 21.01.2012.

(3) Order No. A3/Spl.Team/8774/2012 (1) Dated 23.03.2012.

Order No. A3/Spl.Team/8774/2012 Dated 04.06.2012

In light of the Government direction vide paper read as second above, a revised combined provisional seniority list of Havildars has been published vide paper read as 3rd above, as part of complying the Hon. High Court judgment in WP(C) 16441/2011 filed by Sri. Benni EF, AC, KAP I Bn, strictly in conformity with the 20 suggestions of the High Level Committee and limiting the regularization process strictly within the purview of the Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

The intervention of the Hon High Court was followed by the non-compliance in implementing the Report of the High Level Committee of Officers vide Letter No. 152/Camp/ADGP(Trg)/2005 dated 11.03.2005, which became Exhibit 17 in the Common Judgment in WA no. 462/2002 etc, in the regularization process of irregular appointments/re-appointments/out of turn promotions/temporary promotions by upgrading existing posts and appointments against supernumerary posts etc in respect of the sports personnel appointed for the period from 1984 to 1997 in the Police Department. Moreover Government have observed that the regularization process already carried out had gone beyond the scope of the above Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP

Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

A large number of petitions have been received raising objections/pointing out omissions, errors etc. All of them have been examined as per law, in detail, with relevance to the connected documents, and replies given to all those cases individually.

In finalizing the revised provisional combined seniority list of Havildars for the period 18.01.1984 to 1.01.1998, the following norms have been applied for ensuring transparency in the matter.

- a) Seniority of PCs by promotion as Havildars is based on Rule 27(a) of KS&SSRs. For this purpose, each battalion is considered as separate unit for the purpose of appointment, seniority and promotion to the category of Havildar as laid down in rule 4(ii) of the Special Rules.
- b) In the appointments under sports category, there were two types of appointments made, ie Contract Basis appointments under Rule 9A of KS&SSRs for one year/five year, and appointments against supernumerary posts under Rule 31 of KS&SSRs.
- c) Seniority of those sports Havildars appointed under the above two categories are to be regulated based on the 20 Suggestions as per the report No. 152/Camp/ADGP(Trg)/2005 dated 11.03.2005 of the High Level Committee of Officers, based on Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala and based on GO(Rt) No 188/2012/Home Dated 21.01.2012 in complying the Judgment of the Hon. High Court of Kerala. It may be noted that all the above such sports appointments were made when Special Rules as per GO (P) 6/1984/Home Dated 18.01.1984 became operative and appointments were to be based on Rule 3(f) provided the candidates were possessing qualifications prescribed for the posts.

Though the sports Havildars who were appointed on contract basis continued in service beyond such contract

period, without orders of further extension of such contract period, or giving regular appointments as stipulated in the Special Rules being issued, all the contract appointments of Havildars under sports category made from 1984 have been treated as regular with effect from the date followed by training period for the respective post (9 months) plus such period of contract appointment, as per suggestion no. 9 of the Report of the High Level Committee.

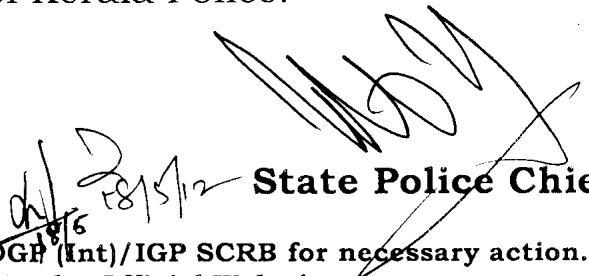
The date of regular appointment of those sports Havildars appointed against supernumerary posts/re-appointed against supernumerary posts, is regulated as per the article 69 of KFC. As such, the service of those non-sports personnel who were promoted earlier as Havildars even by filling up the vacancies in the Special Units from battalions, as on the date of appointment of such sports personnel included in this seniority list, have been given regularization as Havildars ahead of the sports personnel, as those non-sports personnel were already occupying the posts prior to the appointment of such sports personnel.

- d) Preferential claim for getting regularization of service of those sports contract Havildar appointees who were appointed earlier than those Havildars appointed on supernumerary posts from sports category, is admitted and given seniority ahead of those sports supernumerary Havildars appointed later, as per suggestions of the above Report of the High Level Committee.
- e) There is no provision provided in the Special Rules to order redistribution of the Havildars earlier appointed against contract basis or supernumerary posts in a later period notionally, as per the special rules permit unit wise (battalion wise) appointment of Havildars only.
- f) An amendment to the Special Rules as per GO(P) 6/1984/Home Dated 18.01.1984, have been incorporated as per GO(Ms) 142/1985/Home dated 1.07.1985, by which it made clear that in every battalion, the PCs who remain qualified to be promoted without completing their probation in the category of Police Constable are eligible to be promoted against the existing vacancies of Havildars of such battalions. The seniority of such Havildars are, thus, reckoned in this combined seniority list, based on the Rule 27(a) of KS&SSRs

- Part II, by which the seniority of Havildars is assigned based on the dates of promotion ordered by the Commandants. It is stipulated under Rule 2 of KS&SSRs Part II that if any provision in the General Rules contained in Part II is repugnant to a provision in the Special rules applicable to any service contained in Part III, the latter shall, in respect of that service, prevail over the provisions of the General Rules in Part II.
- g) In this connection, WA No. 2737/2009 filed against the judgment in WP(C) 34903/2007 is pending with the Hon. High Court of Kerala. The seniority of the petitioners and respondents therein will be re-assigned if necessary, based on the final judgment.
- h) Rule 28(a) of KS&SSRs Part II is not applicable in deciding the seniority of Havildars in state wide basis due to the existence of the above amendment as per GO (Ms) 142/1985/Home dated 1.07.1985 to the special rules.
- i) All the combined seniority lists of Havildars which were published and finalized by the IGP/DIG of Police AP Bns, prior to the publication of this seniority list, will remain cancelled.
- j) Any further omissions/rectification of defects brought to notice of the undersigned supported by attested copies of valid documents issued by the competent authorities will be entertained, with a view to ensure clarity in the matter in all respects.

The revised combined provisional seniority list published vide paper 3rd read above is hereby finalized. This list is also published in the official Website of Kerala Police.

To


State Police Chief.

The Director KEPA /ADGP, AP Bn/ADGP (Int)/IGP SCRB for necessary action.
Copy to the IGP SCRB for publishing in the Official Web-site.
The DIG AP Battalions for necessary action.
The Commandants SAP, MSP, KAP1, KAP2, KAP3, KAP4, & KAP5, IR Bn and RRRF for necessary action.
The Principal, PTC, Thiruvananthapuram for necessary action.